

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

**STATE OF OKLAHOMA, ex rel. W.A.
DREW EDMONDSON, in his capacity as
ATTORNEY GENERAL OF THE
STATE OF OKLAHOMA AND
OKLAHOMA SECRETARY OF THE
ENVIRONMENT C. MILES TOLBERT,
in his capacity as the TRUSTEE FOR
NATURAL RESOURCES FOR THE
STATE OF OKLAHOMA**

PLAINTIFFS

v.

CASE NO.: 05-CV-00329 TCK –SAJ

**TYSON FOODS, INC., TYSON
POULTRY, INC., TYSON CHICKEN,
INC., COBB-VANTRESS, INC.,
AVIAGEN, INC., CAL-MAINE FOODS,
INC., CAL-MAINE FARMS, INC.
CARGILL, INC., CARGILL TURKEY
PRODUCTION, LLC, GEORGE’S, INC.,
GEORGE’S FARMS, INC., PETERSON
FARMS, INC., SIMMONS FOODS, INC.
and WILLOW BROOK FOODS, INC.**

DEFENDANTS

TYSON DEFENDANTS’ REQUEST FOR ORAL ARGUMENT

Two interrelated motions are pending before this Court. Accordingly, Defendants Tyson Foods, Inc.; Tyson Poultry, Inc.; Tyson Chicken, Inc.; and Cobb-Vantress, Inc. (collectively, the “Tyson Defendants”) respectfully request that this Court hear oral argument on the following:

1. *Cobb-Vantress, Inc.’s Motion to Dismiss Counts Four, Six, Seven, Eight, Nine and Ten of the First Amended Complaint or, Alternatively, to Stay Action* (Dkt. No. 67); and
2. *Defendants’ Motion for Judgment on the Pleadings in Light of New Mexico v. General Electric* (Dkt. No. 1004).

The legal arguments advanced in and relief sought under these motions are interconnected in several respects. Each motion argues that the claims asserted by Plaintiffs in this lawsuit impermissibly conflict with state and federal legislation and the jurisdiction of state regulatory agencies. These motions, if granted in full or in part, would dramatically alter the scope and complexion of this lawsuit.

Oral argument would more fully develop the issues presented by these motions and assist the Court's deliberations by facilitating an exchange of information between the Court and the parties that may not be achieved through briefing alone. Because these motions are interrelated, judicial economy and efficiency would be served by allowing argument on these two motions during the same hearing. The Tyson Defendants request that oral argument be conducted on the above-referenced motions as soon as the Court's docket will permit.

WHEREFORE, the Tyson Defendants respectfully request that this Court schedule oral argument on the above-referenced motions at the Court's earliest opportunity.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on the 30th day of January 2007, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

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